

WESTFIELD TOWN COUNCIL, November 13, 2006

The Westfield Town Council met in regular session Monday, November 13, 2006 at the Westfield Town Hall. Members present were Teresa Skelton, Bob Smith, Jack Hart, Dave Mikesell and Ron Thomas. Also present were Clerk-Treasurer, Cindy Gossard, Town Manager, Jerry Rosenberger and Legal Council, Brian Zaiger. President Smith called the meeting to order at 7:00 p.m.

Approval of Minutes:

Teresa Skelton made a motion to approve October 9, 2006 minutes as presented. Jack Hart seconded. Vote: Yes-4; No-0; Abstain-1 (D. Mikesell). Motion carried.

Teresa Skelton made a motion to approve October 16, 2006 Special Meeting minutes as presented. Jack Hart seconded. Vote: Yes-5; No-0. Motion carried.

Guests:

None

Old Business:

Ordinance 06-45 Annexation of Andover North
First Reading – October 9, 2006
Public Hearing – October 9, 2006
Second Reading

Jerry Rosenberger gave a brief presentation showing the area requesting the voluntary annexation.

Jack Hart made a motion to approve Ordinance 06-45 as presented. Dave Mikesell seconded. Vote: Yes-5; No-0. Motion carried.

Resolution 06-19 Fiscal Plan for Annexation of Andover
Fiscal Plan for Ordinance 06-45

Jerry Rosenberger stated that each Annexation requires a Fiscal Plan.

Teresa Skelton made a motion to approve Resolution 06-19 as presented. Dave Mikesell seconded. Vote: Yes-5; No-0. Motion carried.

Ordinance 06-39 Parks and Recreation Department Non-Reverting Fund
First Reading – October 9, 2006
Second Reading

Jerry Rosenberger explained this Ordinance establishes a non-reverting fund to receive fees for activities that will be used for operating expenses associated with providing park activities.

Dave Mikesell made a motion to approve Ordinance 06-39 as presented. Teresa Skelton seconded. Vote: Yes-5; No-0. Motion carried.

Ordinance 06-52 Erosion and Sediment Control Amended Ordinance
First Reading – October 9, 2006
Second Reading

Jerry explained this Ordinance is an amendment to the Ordinance 06-16 that was passed on April 10, 2006. Jerry explained that since 06-16 was passed WPW has had time to evaluate our original ordinance and to make recommendations to modify and improve on the original ordinance.

Dave Mikesell made a motion to approve Ordinance 06-52 as presented. Teresa Skelton. Vote: Yes-5; No-0. Motion carried.

WPW Infrastructure- Standards and Specifications Policy Manual
First Review by Council – October 9, 2006
Second Reading

Jerry explained this is not an Ordinance but a Policy and Procedures Manual. Jerry stated this manual contained the changes recommended by the WPW staff and will need to be approved by the Council.

Jack Hart made a motion to approve Standards and Specifications Policy Manual as presented. Dave Mikesell seconded. Vote: Yes-5; No-0. Motion carried.

Regulatory Changes/Council Introduction

First Council Consideration

None

Second Council Consideration

None

New Business:

Ordinance 06-55 Rezone of Aurora PUD First Reading

Teresa Skelton recused herself for this discussion.

Jerry Rosenberger stated this PUD rezone request comes to the Council with a negative recommendation from the Plan Commission.

Steve Hardin with Baker and Daniels representing C.R. Development and explained the proposed area and the development planned for the area.

President Smith allowed guest comments on this rezone.

Dale McCullough spoke regarding this rezone and stated he had concerns regarding land use, traffic control, densities and property taxes. Mr. McCullough also stated he had concerns if this rezone would follow the Comp Plan.

Gloria DelGreco stated her major concern was the residential was still to dense and they need to cut the town homes and apartments by large numbers.

President Smith stated this Ordinance would come back on the Town Council agenda for December meeting.

Ron Thomas stated he had talked to Mr. Hardin and Mr. White and voiced his concerns he has with the rezone.

Jack Hart stated Mr. Hardin and Mr. White have been very open and receptive to any input and he believes and recognizes the economic value to this plan. Jack has suggested that Mr. Hardin and Mr. White meet with the new council members and bring them up to speed with this project.

Advisory Plan Commission Appointment from Town Council:

Jerry explained Teresa Skelton has asked to step down from the Advisory Plan Commission and if the Council would like to replace her at this time they will need to appoint someone.

President Smith stated since there is only one more meeting they would hold off appointing a replacement until January. President Smith stated it was the consensus of the Council to make the appointment in January 2007.

Appointments to Public Safety Building Corporation:

Jerry explained that there were three persons appointed to serve on this board in 1997 when the Public Safety Building was financed. Jerry stated that there are now two vacancies and the Council needs to appoint two new members.

Jerry explained this Board meets when required to perform action relating to the financing of the Public Safety Building.

President Smith stated that Alan Arthur and Martin Raines have volunteered to fill the two vacancies.

Teresa Skelton made a motion to appoint Alan Arthur and Martin Raines to the Public Safety Board Corporation. Dave Mikesell seconded. Vote: Yes-5; No-0. Motion carried.

Ordinance 06-56 Repeal of Ordinance 06-26 that established a Municipal Advisory Plan Commission

Jerry Rosenberger explained that in September of 2006 Ordinance 06-26 was approved to establish a Municipal Plan Commission. Jerry again explained that in October 2006 the feeling of the Council was to repeal 06-26 and a motion was made and approved.

Jerry further explained that after the fact it was learned that another Ordinance was needed to repeal Ordinance 06-26.

Jack Hart made a motion to suspend the rules to approve Ordinance 06-56 to repeal Ordinance 06-26 as presented. Ron Thomas seconded. Vote: Yes-4; No-1 (T. Skelton). Motion failed

President Smith stated since the vote was not unanimous there would need to be a second reading. It was decided to have a special meeting on November 27th at 6:30 at Town Hall.

Resolution 06-22 Final Resolution
Economic Revitalization Area
Tax Abatement – Shannon Door Co

Jerry Rosenberger explained this process is to pass a preliminary Resolution, which is a precursor to a pass a final resolution approving the tax abatement.

Dave Mikesell made a motion to approve Resolution 06-22 as presented. Teresa Skelton seconded. Vote: Yes-5; No-0. Motion carried.

Waiver of Fees Grace Community Church
Waiver of water Availability Fees

Jerry Rosenberger explained this item comes to the Council requesting that a 50% of water availability fees be waived as allowed for in our town ordinance. Jerry stated our Ordinance does not stipulate that this waiver option is only available for churches in our community.

Teresa Skelton made a motion to approve the waiver of water availability fees for Grace Community Church as presented. Jack Hart seconded. Vote: Yes-4; No-1 (R. Thomas). Motion carried.

Waiver of Fees Westfield Washington Schools
Tomlinson Road, Elementary School
Waiver of Water, Wastewater & Road Impact Fees

Jerry Rosenberger explained that Westfield Schools are asking for a waiver of 50% of the fees for water and sewer availability fees and road impact fees that are allowed by our Town Ordinances.

Dave Mikesell made a motion to approve the waiver of water, wastewater and road impact fees for Westfield Washington Schools as presented. Teresa seconded. Vote: Yes-3; No-1; (R. Thomas) Abstain-1 (J. Hart). Motion carried.

Water Tower Demolition Acceptance of Quote

Bruce Hauk presented the quotes for the demolition of the water tower in Asa Bales Park. Bruce stated Allstate Towner bid \$37,500.00 Iseler Demolition Inc. bid \$19,570.00.

Bruce stated his recommendation would be to award the bid to Iseler Demolition for \$19,570.00 and asked for a motion from the Council.

Dave Mikesell made a motion to approve awarding the bid to Iseler Demolition for \$19,570.00 as presented. Jack Hart seconded. Vote: Yes-5; No-0. Motion carried.

Park Naming Osborn Park Armstrong Park Liberty Park (with Richardson Wetlands)

Curt Cooley gave a brief presentation recommending some of the names that have been recommended by the Parks Advisory Committee and is asking for Council approval.

Dave Mikesell made a motion to approve the Parks naming recommended by the Advisory Committee as presented. Ron Thomas seconded. Vote: Yes-5; No-0. Motion carried.

Consent Agenda:

Release of Performance Bonds –

- None

Release of Maintenance Bonds

- None

Subsequent Connector Fee/Re-imbursement Fee Agreements

- **Water Reimbursement**

Oak Manor Section 5

Bruce Hauk stated Consent Agenda items have been satisfied.

Teresa Skelton made a motion to release the Water Reimbursement Fee as read. Dave Mikesell seconded. Vote: Yes-5; No-0. Motion carried.

Town Manager Report:

Wednesday Nov 15 at 7:00 at Maple Glenn Elementary a Space Meeting open to the public will be held.

Tuesday November 14 Comp Plan Steering Committee is meeting for a working session and will be held at the WPW conference room.

December 4 Comp Plan Meeting

Thoroughfare Plan Public Hearing is scheduled for November 27th at the Plan Commission meeting.

Corridor Study presentation will be made to the Town Council in December.

Modification of Western Way has run into considerable difficulties trying to secure additional right of way.

Seniors Connect will be collecting computers at Town Hall on December 4th - 5th.

Park Impact Fee Public Hearing will be held at the Plan Commission meeting on December 27th.

Discussed North Union being a dead end when the US 31 project is done.

Council Members Comments:

None.

Claims:

Dave Mikesell made a motion to approve the Claims as presented. Teresa Skelton seconded. Vote: Yes-5; No-0. Motion carried.

With no further business the meeting adjourned at 8:20 p.m.

Clerk-Treasurer

Council President